

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A 150-FOOT SELF-SUPPORTING MONOPOLE
COMMUNICATIONS TOWER WITH ASSOCIATED GROUND
MOUNTED EQUIPMENT AT 715 LAKESIDE DRIVE

WHEREAS, ALLTEL Communications, Incorporated has submitted Application No. UP-618-03, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 150-foot freestanding monopole communications tower with associated equipment on a portion of the parcel located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the _____ day of _____, 2003 that Application No. UP-618-03 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on a portion of the 49.0 acre parcel of land located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62.
2. The height of the tower shall not exceed 150 feet, or such maximum height as permitted pursuant to Section 24.1-371, whichever is less.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Preliminary Site Plan, 150' Monopole, ALLTEL Harwood Mills, Yorktown, Virginia;" Sheets CUP 1 & CUP 2, dated 4/30/03, amended to 5/29/03, prepared by Kimley-Horn and Associates, Inc. and received by the Planning Division May 30, 2003. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

7. Prior to site plan approval and satisfactory to the Zoning Administrator and County Attorney, a joint easement as shown on the above noted sketch plan shall be established for the benefit of tower patrons for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility. Said easement shall not operate to conflict with ingress/egress easement as required pursuant to proffers associated with Rezoning No. 88-3, approved by the York County Board of Supervisors on March 3, 1988.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs or required regulatory signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening surrounding the facility as shown on the above referenced sketch plan Sheet CUP-2 and pursuant to Section 24.1-240 et. seq.
11. The existing wooded area located to the west of the proposed tower site and paralleling the subject parcel's western property border as shown on the above referenced sketch plan shall be preserved and maintained for screening purposes.
12. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
13. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
14. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.

15. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. To facilitate screening of the facility, green netting of a type and materials acceptable to the Zoning Administrator shall be installed on the fence surrounding the facility.
16. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
17. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
18. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
19. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.